

**STATE OF RHODE ISLAND
EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES**

**5/6/2013 PUBLIC NOTICE OF PROPOSED AMENDMENT TO RHODE ISLAND
MEDICAID STATE PLAN**

In accordance Rhode Island General Laws 42-35, notice is hereby given that the Executive Office of Health and Human Services (EOHHS) proposes to amend the following section of the Rhode Island State Plan under Title XIX of the Social Security Act:

MIPPA Provisions Related to Medicaid Outpatient Drug Coverage

The state provides coverage for drugs such as benzodiazepines and barbiturates used in the treatment of epilepsy, cancer, or a chronic mental health disorder to all Medicaid recipients, including full benefit dual eligible beneficiaries. Medicaid had funded this coverage because those drugs had been previously excluded under Medicare. As of 1 January 2013, Medicare now covers those drugs. Therefore, the state is pursuing a State Plan Amendment to cease Medicaid's, now unnecessary, coverage of those drugs for dual Medicare-Medicaid eligible people. Dual eligible beneficiaries requiring those medications will be covered through Medicare rather than Medicaid.

This proposed rule is accessible on the R.I. Secretary of State website (<http://www.sec.state.ri.us/ProposedRules/>) and the OHHS website (www.ohhs.ri.gov) or available in hard copy upon request (401 462-2018 or RI Relay, dial 711). Interested persons should submit data, views, or written comments by 7 June 2013 to Darren J. McDonald, Office of Policy and Innovation, Executive Office of Health and Human Services, 57 Howard Avenue, Cranston, RI, 02920, or dmcDonald@ohhs.ri.gov.

In accordance with the Rhode Island General Laws 42-35-3, an oral hearing will be granted on the proposed State Plan Amendment if requested by twenty-five (25) persons, or an agency, or by an association having at least twenty-five (25) members. A request for an oral hearing must be made within thirty (30) days of this notice.

The Executive Office of Health and Human Services does not discriminate against individuals based on race, color, national origin, sex, gender identity or expression, sexual orientation, religious belief, political belief, or handicap in acceptance for or provision of services or employment in its programs or activities.

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Rhode Island

MEDICAID PROGRAM: REQUIREMENTS RELATING TO COVERED OUTPATIENT
DRUGS FOR THE CATEGORICALLY NEEDY

12.a. Prescribed Drugs: Description of Service Limitation

Citation(s)	Provision(s)
1935(d)(1)	Effective January 1, 2006, the Medicaid agency will not cover any Part D drug for full-benefit dual eligible individuals who are entitled to receive Medicare benefits under Part A or Part B.
1927(d)(2) and 1935(d)(2)	<p>The Medicaid agency provides coverage for the following excluded or otherwise restricted drugs or classes of drugs, or their medical uses to all Medicaid recipients, including full benefit dual eligible beneficiaries under the Medicare prescription Drug Benefit –Part D.</p> <p><input type="checkbox"/> The following excluded drugs are covered:</p> <p><i>(“All” drugs categories covered under the drug class)</i> <input type="checkbox"/></p> <p><i>(“Some” drugs categories covered under the drug class XX -List the covered common drug categories not individual drug products directly under the appropriate drug class)</i></p> <p><i>(“None” of the drugs under this drug class are covered)</i> <input type="checkbox"/></p> <p>XX (a) agents when used for anorexia, weight loss, weight gain</p> <p><input type="checkbox"/> (b) agents when used to promote fertility</p> <p><input type="checkbox"/> (c) agents when used for cosmetic purposes or hair growth</p> <p>XX (d) agents when used for the symptomatic relief of cough and colds</p>

p. 5a.2

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Rhode Island

MEDICAID PROGRAM: REQUIREMENTS RELATING TO COVERED OUTPATIENT
DRUGS FOR THE CATEGORICALLY NEEDY

12.a. Prescribed Drugs: Description of Service Limitation

Citation(s)	Provision(s)
XX	I prescription vitamins and mineral products, except prenatal vitamins and fluoride
XX	(f) nonprescription drugs
<input type="checkbox"/>	(g) covered outpatient drugs which the manufacturer seeks to require as a condition of sale that associated tests or monitoring services be purchased exclusively from the manufacturer or its designee (see specific drug categories below)
XX	(h) barbiturates <u>(Except for dual eligible individuals effective January 1, 2013 when used in the treatment of epilepsy, cancer or a chronic mental health disorder as Part D will cover those indications)</u>
XX	(i) benzodiazepines <u>(Except for dual eligible individuals effective January 1, 2013 as Part D will cover all indications)</u>
XX	(j) smoking cessation drugs (Except for dual eligible individuals as Part D will cover these drugs)

p. 5a.3

TN#13-009
Supersedes
TN: NEW

Approved: _____

Effective: 1/1/2013